

Appl. No. 10/064,774
Amd. Dated April 30, 2004
Reply to Office Action Dated 03/02/2004

REMARKS

Please reconsider the application in view of the above amendment and the following remarks. Claims 1-65 remain pending. Claim 22 has been amended herein to eliminate a dependency error. No new matter has been added by way of this amendment.

Rejection(s) under 35 U.S.C. § 103

The Examiner rejected claims 1-65 under 35 U.S.C. § 103(a) as being unpatentable over Meister et al, (US 2002/0060094) in view of Purfurst (US 4,745,802) and/or Hancock (US 4,090,397). Applicant respectfully traversed the rejection.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness. The references of record fail to teach at least one limitation of the pending claims (i.e. selective equalization). Additionally, there is no motivation to combine the references. To the extent such a combination is even possible, the combination would require impermissible hindsight reconstruction, and still would not achieve Applicant's claimed invention.

The Office Action states that "Meister teaches a tool for measuring downhole pressures with a pressure equalizing system." *See Office Action, p. 2.* In support of this statement, the Office Action refers to "Fig. 5, formation 30 and 45-47;" *See Office Action, p. 2.* Applicant believes this to be a typographical error since no such items are listed in any of the cited references. The Office Action further states that "hydraulic reservoirs are preferably balanced to hydrostatic pressure of the annulus," and that "fluid, 502 is balanced by mud pressure in 328." *See Office Action, p. 2.* Applicant respectfully disagrees. According to Meister, fluid in the hydraulic reservoirs is drawn through draw lines 314, 316 and 318 to extend and retract the draw piston 236. *See Meister, paragraph [0037] and Figs. 3-6.* In this manner, fluid is drawn into

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chambers 324 and 322 to move the piston. There is no pressure equalization that occurs between the chambers. Fluid is merely diverted between the chambers, not pressure balanced between the chambers as suggested in the Office Action. In fact, Meister teaches away from equalization and/or pressure balance by annular or pore pressure by providing that "[t]he pump 238 provides the fluid pressure in the line selected." See Meister, p. 4, paragraph [0037]. Thus, it is the pump that provides the pressure, and there is no equalization or selective equalization of an internal pressure with annular or pore as recited in the claims.

The deficiencies of Meister are not provided by Purfurst. The Office Action concedes that Meister does not teach selectively equalizing an internal pressure of the apparatus. However, the Office Action suggests that Purfurst does. In support of this position, the Office Action states that "external mud is at a pressure represented by the symbol H, this pressure being introduced by the external port to equalize across the snorkel and seal pad 32 to avoid sticking of the formation tester 10, see: col. 4, lines 49-52." See *Office Action*, p. 2. Applicant again respectfully disagrees. According to Purfurst, when the equalizing valve is opened, fluid flows "through sample line 60 and out through the snorkel to accomplish equalization at the snorkel into the formation." See *Purfurst*, Col. 8, lines 33-41. There is no selective equalization of an internal pressure or a pressure of a cavity within the apparatus as recited in the Claims. Moreover, Purfurst teaches away from such equalization by requiring that the equalization valve remains closed during the operation (See *Purfurst*, Col. 7, line 65-Col. 8, line 1), and opened after the operation to force fluid out of the tool to assist in unsticking the seal pad and snorkel (See *Purfurst*, Col. 8, lines 21-14). See also *Purfurst*, Table depicting tool operation at Col. 8, lines 58-Col. 9, line 16. Purfurst, therefore, fails to even contemplate selective equalization of an internal pressure or cavity with an annular or pore pressure.

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The deficiencies of Meister are also not provided by Hancock. The Office Action cites to Hancock solely to provide a filter. Hancock fails to present any disclosure of, *inter alia*, equalization or selective equalization as recited in the claims.

In view of the above, Applicant respectfully submits that none of the art of record (alone or in combination) teaches, discloses or even suggests the invention as recited in each of Applicant's claims. Applicant, therefore, requests withdrawal of the rejection under 35 U.S.C. § 103.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, please do not hesitate to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated March 2, 2004 for which the three-month date for response is June 2, 2003. It is believed that no fee is due for this response. Please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 20,2792).

Date:

4/30/04

Respectfully submitted,

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